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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/706,297

11/03/2000

Theron Tock

0023-0218

6720

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11350 Random Hills Road
SUITE 600
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EXAMINER

NAWAZ, ASAD M

ART UNIT

PAPER NUMBER

2455

MAIL DATE

DELIVERY MODE

06/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09706297	11/3/00	TOCK ET AL.	0023-0218

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EXAMINER

ASAD M. NAWAZ

ART UNIT	PAPER
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2455	20100524
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DATE MAILED:

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Commissioner for Patents

This action is responsive to the amendments filed 3/26/10.

The amendment filed 3/26/10 after a decision by the Board of Patent Appeals and Interferences is not entered because prosecution is closed and the proposed amendment was not suggested in an explicit statement by the Board under 37 CFR 41.50(c). As provided in 37 CFR 1.198, prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner after a final decision of the Board except under the provisions of 37 CFR 1.114 (request for continued examination) or 37 CFR 41.50 without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown.

Specifically, the examiner was reversed on claims 4 through 8, 24 through 28, and 37. The applicants can move the limitations of the independent claims into the reversed claims. However, applicants have moved the reversed claims into the independent claims. Although the amendment of the independent claims still results in a permissible amendment, it should be noted that claim combinations such as 1+4+2 (and others) were never considered by the examiner. The examiner must review such combinations for any further issues and contradictions. However, since prosecution is closed, no such consideration can be made. Furthermore, it is noted that the applicants have amended claim 20 to recite a tangibly-embodied computer readable medium. As the specification does not provide a definition of such media, the broadest reasonable interpretation has been given to the term. Under this interpretation, the claims can still be considered as being directed towards signals or carrier waves. It is suggested that the applicants replace "tangibly-embodied" with "non-transitory".

There are no allowed claims in the application. The independent claim(s) is/are cancelled by the examiner in accordance with MPEP § 1214.06. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASAD M. NAWAZ whose telephone number is (571)272-3988. The examiner can normally be reached on M-R 6-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

